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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,558	02/10/2004	Alma J. Gulsby		1452

7590 06/02/2005

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EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,558

Applicant(s)

GULSBY, ALMA J.

Examiner

Ismael Izaguirre

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

SPECIFICATION

Informality

On page 10, line 7, the word "importance" should be replaced by "important".
This should be corrected.

CLAIMS

Summary

Claims 1 and 23 are the independent claims under consideration in this Office Action.

Claims 2-22 and 24-29 are the dependent claims under consideration in this Office Action.

Claim Language

In claim 1, line 3, "seem" should be replaced by "seam". This should be corrected.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Referring to claim 1, line 6 (of the claim body), the words "seam allowance then end folded" are indefinite. It is unclear as to whether the intention here was to define a further method step or if the word "thin" was intended instead of "then".

Referring to claim 15, lines 1-2, the words "tooth dog means" have no clear meaning. Perhaps "feed dog means" or "toothed feed means" would help.

Referring to claim 18, line 1, the words "the foot post means" lack a proper antecedent basis.

Referring to claim 19, line 1, there is no proper antecedent for the words "the cutting means".

Referring to claim 23, line 3, the words "said defining a notch" are indefinite. There may be text missing here.

Referring to claim 28, line 2, there is no proper antecedent for the words "the base material".

Referring to claim 29, line 2, the words "between stitching a feeder means" have no clear meaning.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Brooks (1,637,804).

Brooks teaches a device for preparing seam allowances in a cloth and feeding a cording. Brooks teaches a body 1, including a vertical post for attachment to a presser bar, which includes a front, back, sides and thin side portions accommodating an insert. The insert comprising holding means for supporting a cord and material on at least two sides (figure 2) and folding the material as the cord is fed and sewn together. The cording is fed from the front to the back and supported along its length and frictionally held while being sewn. Brooks teaches the body (or block) as being removable and replaceable by different sized channels and thus this provides a measuring means for measuring the end of the seam allowance relative to the holding means. By providing a different block, the smaller cord (for example) will place the seam allowance at a different distance to the end of the body and thusly, a different measurement for the seam allowance results.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brooks in view of Hofgesang (2,737,914).

Brooks discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Brooks teaches a cording guide for guiding a cord and producing a seam allowance in conjunction with a cloth. Brooks teaches forming stitches and operating the sewing machine in a usual manner (lines 56-68) for feeding and stitching the seam allowance. However, Brooks does not specifically suggest or illustrate feed dogs and a needle for feeding and stitching the materials.

Hofgesang teaches a sewing machine including a presser foot 22 having a cording means 35, 33 for feeding and sewing a cording on a material. Further, Hofgesang teaches the sewing machine forming stitches and feeding the material by providing feed dogs 16 and a needle 14.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the sewing machine for which the cording device is usable with as including a set of feed dogs and a needle for accomplishing the feeding and stitching. Providing such would allow the proper feeding of the material and stitching to be formed.

DRAWINGS

The drawings are objected to because they do not include certain reference signs mentioned in the description. 37 CFR 1.84(p)(5) states, "Reference characters mentioned in the description must appear in the drawings." Reference signs "30" (page

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7), "49" (page 7), "36" (page 8), "40" (page 8) and "37" (page 9) are not found in the drawings. All drawings should be reviewed, against the specification, for such discrepancies and steps should be taken so as to correct such discrepancies. Correction is required.

ALLOWABLE SUBJECT MATTER

Claims 2-14 and 18-29 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lang, Rockerath, MacPherson and Karle illustrate cord-feeding devices. Greist et al. Illustrate a presser foot with cording feeders including adjustable measuring means for adjusting the cording being fed. Warnock illustrates a cording feeder including multiple channels on an underside of a presser foot. Hida illustrates a transparent presser foot.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ismael Izaguirre
Primary Examiner
Art Unit 3765

II

5/27/05